



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT H BARRIGAR
BARRIGAR INTELLECTUAL PROPERTY LAW
1007 FORT STREET
SUITE 201
VICTORIA BC V8V 3K5 CA CANADA

COPY MAILED

JAN 05 2009

OFFICE OF PETITIONS

In re Application of :
Harold Douglas Foster :
Application No. 10/600,028 : DECISION ON PETITION
Filed: June 23, 2003 :
Attorney Docket No. HMT01/3619/US :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 18, 2008.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a response to the Notice to File Missing Parts, mailed March 4, 2008. This Notice set an extendable period for reply of two (2) months for applicant to correct an error with respect to a compact disc submitted with the application filing on June 23, 2003. A Notice of Abandonment was mailed on October 9, 2008, stating that no reply had been received.

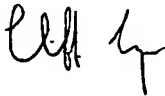
Petitioner argues, and a review of the application confirms, that he timely filed a response on May 1, 2008. In applicant's response, he explained that the compact disc was submitted in error, explained that it did not contain any information that is not in the paper specification, and requested withdrawal of the compact disc.

In view of the above, it is obvious that the Notice of Abandonment was mailed in error.

Accordingly, **the holding of abandonment is withdrawn.**

The matter is being forwarded to the Office of Patent Application Processing for processing using the response filed May 1, 2008, in which applicant requested withdrawal of the compact disc.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read 'Cliff Congo', with a stylized flourish at the end.

Cliff Congo
Petitions Attorney
Office of Petitions